REMARKS

I. INTRODUCTION

Claims 16, 26, and 32 have been amended. No new matter has been added. Claims 1-15 and 27 were previously cancelled. Thus, claims 16-26 and 28-32 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 16-18, 20-22, 24, 25 and 32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. Pub. No. 2003/0164398 to Walker et al. ("Walker") in view of U.S. Pat. No. 6,540,137 to Forsythe et al. ("Forsythe") in further view of U.S. Pat. No. 6,233,565 to Lewis et al. ("Lewis"). (See 9/27/07 Office Action, p. 2).

Walker describes a point-of-sale (POS) terminal that initiates a transaction and provides a prompt to be spoken to an operator such as a cashier of the POS terminal. The prompt indicates a verbal message that is to be spoken by the operator. In one embodiment, the transaction is paused until the operator properly speaks the prompt. (See Walker, abstract). One prompt included in Walker is survey questions to be answered. The transaction is paused until all survey questions have received responses. (See Id. at p. 7, ¶ [0085]).

Forsythe describes a checkout system 10 which is operable in an assisted checkout transaction aided by personnel at a retail store or a self-service checkout transaction performed solely by a customer. (See Forsythe, col. 40, lines 45-51). The system 10 includes a customer interface terminal 78 which consists of a display monitor 78a, a scanner 24 and an electronic payment terminal 44. (Id. at col. 41, lines 15-20; col. 42, line 66 - col. 43, line 7). During the

6

self-service checkout transaction, the customer scans items and views item prices and a total on the display monitor 78a. (Id. at col. 17, lines 14-27). An advertisement corresponding to one of the items or a customer profile loaded in an in-store network is shown on the display monitor 78a. (Id. at col. 17, lines 28-50). Payment is made via a currency acceptor or charging a credit/debit card at the electronic payment terminal 44. (Id. at col. 11, lines 30-63).

Lewis describes a system and method for conducting Internet based financial transactions between a client and a server. The transaction execution system includes authentication, wherein the client authentication module and the server authentication modules communicate via the Internet connection and are authenticated to each other. (See Lewis, abstract). In one embodiment of Lewis, credit card requests are transmitted to a web server by the client, forwarded to the transaction server, and then to a payment server, a credit authorization server, and to a remote credit bureau. (See Id. at col. 17, lines, 4-15).

Claim 16 has been amended to recite a method which includes the step of "determining whether a customer response to the content is received, the response being transmitted to an advertisement server to collect information about the customer when the response is received, a non-response being generated and transmitted to the advertisement server to collect information about the customer when the response is absent."

In view of the above amendment to claim 16, it is respectfully submitted that Walker does not disclose this recitation of claim 16. Specifically, the embodiment of Walker regarding content that is unrelated to data essential for completion of the transaction requires that responses be provided to each survey question. This requirement stems from the transaction being paused when a survey question has been posed. (See Walker, p. 7, ¶ [0085]). Only upon a response being input for the survey question will the transaction continue. Therefore, Walker does not disclose or suggest any determination as to whether a response is received, as recited in claim 16. Specifically, the recitation of claim 16 does not require a response to the content displayed. When the determination indicates a response has been received, the response is duly transmitted

7

to the advertisement server. However, when the response is not received, a non-response is generated and transmitted to the advertisement server. Accordingly, because Walker does not include the determination step, the generation of the non-response is also not disclosed or suggested in Walker. Neither Forsythe nor Lewis disclose or suggest the above recitation of claim 16 as well.

Thus, it is respectfully submitted that neither Walker, Forsythe, nor Lewis, either alone or in combination, discloses or suggests "determining whether a customer response to the content is received, the response being transmitted to an advertisement server to collect information about the customer when the response is received, a non-response being generated and transmitted to the advertisement server to collect information about the customer when the response is absent," therefore, it is respectfully submitted that claim 16 is allowable. Because claims 17-18, 20-22 and 24-25 depend from and, therefore, include the limitations of claim 16, it is respectfully submitted that these claims are also allowable. Claim 32 also includes the above recitation of claim 16. Thus, it is respectfully submitted that claim 32 is also allowable for at least the reasons stated above with reference to claim 16.

Claims 19, 23, 26 and 28-31 stand rejected under 35 U.S.C. 103(a) as unpatentable over Walker in view of Forsythe in further view of Lewis in further view of U.S. Pat. Pub. No. 2003/0126020 to Smith et al. ("Smith"). (See 9/27/07 Office Action, p. 7). Walker, Forsythe, and Lewis were discussed above.

Smith is directed to a method for the generation and transmission of electronic receipts. (See Smith, Abstract). Furthermore, Smith does not disclose or suggest "determining whether a customer response to the content is received, the response being transmitted to an advertisement server to collect information about the customer when the response is received, a non-response being generated and transmitted to the advertisement server to collect information about the customer when the response is absent," as recited in claim 16. Thus, it is respectfully submitted that neither Walker, Forsythe, Lewis, nor Smith discloses or suggests the above recitation of

8

claim 16. Because claims 19 and 23 depend from and, therefore, include all the limitations of claim 16, it is respectfully submitted that these claims are also allowable.
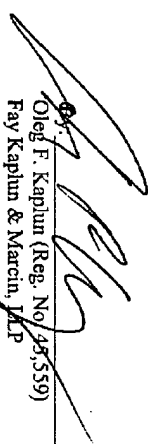
Claim 26 includes a substantially similar limitation to claim 16. Specifically, claim 23 recites "a customer interface for receiving and recording customer input and customer responses to the content, the customer-response unit determining whether the responses to the content are received, the responses being transmitted to an advertisement server in order to collect information about the customer when the response is received, the customer-response unit generating a non-response and transmitting the non-response to the advertisement server to collect information about the customer when the response is absent." Thus, it is respectfully submitted that claim 26 is also allowable for at least the reasons stated above with reference to claim 16. Because claims 28-31 depend from and, therefore, include all the limitations of claim 26, it is respectfully submitted that these claims are also allowable.

9

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Oleg F. Kaplun (Reg. No. 45,559)
Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

Dated: December 27, 2007

10